Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE SUPREME

COURT OF THE UNITED STATES

JULY TERM, 1994

DONALD LEIF ROKKE - PETITIONER

vs.

CHECK SERVICES NORTHWEST - RESPONDENT

PETITION FOR WRIT OF CERTIORARI

TO THE WASHINGTON STATE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

DONALD LEIF ROKKE

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168 pp

QUESTIONS PRESENTED

1. Did the Washington State Appellate Court Orders denying Petitioner's Motion for Default Judgment violate Petitioner's Amendment XIV of the U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws?

2. Did the Washington State Appellate Court Orders denying Petitioner's Motion for Default Judgment occur under the umbrella of Washington Court Rules, Laws superior to the Washington State Statutes, which were Unconstitutional and therefore Unlawful by virtue of the fact that said Court Rules were synthesized, augmented, diminished, and amended by the Washington State Judicial Department, not the Legislature, in violation of the U.S. Constitution's requirements that the Separation of Powers be preserved at all levels of government?

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Appendix 3 Appeals Court Judges 15th day of November 1993 Decision to Reverse and Remand this matter back to King Court for rehearing and award of Costs to Petitioner. This decision failed to appropriately sanction Respondent's continued default on and abandonment of its case at the Appellate Court Level. This decision also failed to act on Petitioner's Motion for Default Judgment.

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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

JULY TERM, 1994

DONALD LEIF ROKKE, Petitioner

vs.

CHECK SERVICES NORTHWEST, Respondent

. Petitioner, DONALD LEIF ROKKE, respectfully prays that a writ of certiorari issue to review the Rulings and Orders of the Washington State Supreme Court which:

. 1. Denied Petitioner's Motion for Default Judgment in violation of Petitioner's Amendment XIV of the

U.S. Constitution Rights to Due Process and Equal Protection of the Laws.

. 2. Denied Petitioner's Motion for Default Judgment under the umbrella of Washington Court Rules which were Unconstitutional and therefore Unlawful by virtue of the fact that the Washington State Judicial Department, instead of the Legislature, synthesized, augmented, diminished, and amended these Rules, which these Rules declare to be laws superior to Washington State Statutes, in violation of the U.S. Constitution's requirement that the Separation of Powers be maintained at all levels of government.

OPINIONS BELOW

. The unpublished Rulings and Orders of the Washington State Appellate

Courts, which are the subject of this Petition for Writ of Certiorari, are included as Appendix 1 thru 8 of this Petition.

JURISDICTION

. The Washington State Supreme Court Order issued in this matter was issued on June 9, 1994. A timely Notice of Appeal to the United States Supreme Court was filed by Petitioner. This Court's jurisdiction is invoked under Title 28, U.S.C. pp 2403(b).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

. ARTICLE I Section 1 of the U.S. Constitution is set forth in Appendix 10.

. ARTICLE II Section 1 of the U.S. Constitution is set forth in Appendix 11.

. ARTICLE III Section 1 of the U.S. Constitution is set forth in Appendix 12.

. ARTICLE VI Paragraph [2] of the U.S. Constitution is set forth in Appendix 13.

. Amendment VII of the U.S. Constitution is set forth in Appendix 14.

. Amendment XIV of the U.S. Constitution is set forth in Appendix 15.

. Washington Court Rules, RAP RULE 1.1. SCOPE OF RULES is set forth in Appendix 16.

. Washington Court Rules, RAP RULE 13.5 DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION
(b) Consideration Governing Acceptance of Review is set forth in Appendix 17.

. Washington Court Rules, COURTS OF LIMITED JURISDICTION, TRAFFIC INFRACTION RULES, TITLE 1. GENERAL PROVISIONS, RULE 1.3 LOCAL COURT RULES Paragraph (a), (b), & (c) is set forth in Appendix 18.

. Washington Court Rules, RULES OF GENERAL APPLICATION, GENERAL RULES, RULE 7. LOCAL RULES-FILING AND EFFECTIVE DATE Paragraphs (a), (b), ... (d), (e)(1)(2) is set forth in Appendix 19.

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. Washington Court Rules, RULES OF APPELLATE PROCEDURE, RULES ON APPEAL, TITLE 18. SUPPLEMENTAL PROVISIONS, RULE 18.14 MOTION ON THE MERITS (e)(1) is set forth is Appendix 21.

. Washington Court Rules, RULES OF APPELLATE PROCEDURE, RULES ON APPEAL, TITLE 9 RECORD ON REVIEW, RULES 9.5 FILING AND SERVICE OF REPORT OF PROCEEDINGS-OBJECTIONS (a)(c) is set forth in Appendix 22.

. Washington Court Rules, PART I RULES OF GENERAL APPLICATION, RULE 9. SUPREME COURT RULEMAKING PROCEDURES (g)(i) is set forth in Appendix 23.

. Washington Court Rules for 1993: Dates of changes to those Rules vs availability of the Legislature to legitimately approve those Court Rule/Law making actions is set forth in Appeandix 24.

STATEMENT OF THE CASE

. The Washington State Supreme Court had jurisdiction pursuant to Title 28, U.S.C. pp 2403(b).

. In mid 1991 Petitioner had the engine on his vintage Cadillac overhauled by Huling Brothers Buick in Seattle, Washington. Huling Brother's Buick indulged in an automobile repair scam, as an illicit aspect of that overhaul, by putting the impellers in Petitioner's car's oil pump in backwards. The initial overhaul of the engine cost Petitioner in the neighborhood of $1,800.00. As maliciously planned by Huling Brothers Buick the reversed oil pump impellers, a standard automobile repair scam perpetrated by unethical auto

maintenance shops, caused the intentional burn out of Petitioners newly overhauled engine. That second, scam implemented, overhaul of Petitioner's automobile engine cost Petitoner approximately $2,800.00.

. Since Petitioner had been alerted as to what was going on by an expert auto mechanic friend of Petitioner, Petitioner paid for the second (scam caused) engine overhaul job with a personal check. From Hulings Petitioner went directly to Petitioner's bank and proceeded to attempt to place a stop payment on the $2,800.00 (approximate) check that Petitioner had just given to Huling. The cashier at the bank, when she learned of the scam Petitioner was being victimized by, told Petitioner how a similar auto repair shop completely rebuilt a new car she

BEST AVAILABLE COPY

had purchased just because they could victimize her based on her lack of mechanical knowledge. As a result of being distracted by that conversation Petitioner walked out of the bank without signing the Huling check stop order form. There was therefore only a 14 day verbal stop order on that check as provided by relevant laws, rules, and regulations. After some time the bank's unsigned stop payment form showed up in Petitioner's mail with a note from the bank alerting Petitoner to the fact that there was only a 14 day verbal stop order on the Huling check unless Petitioner signed and returned the enclosed stop payment order form to the bank.

. Petitioner decided to preserve his credit by just letting Huling submit

the banks subsequent payment of that promissory note.

. Petitioner decided to pursue equity vs Huling Brothers Buick via a contract cancellation and counteroffer that Petitioner had transmitted to Huling in a timely manner after Petitioner had attempted to place a stop order on Huling's check. Huling, except for Petitioner's certified mail notice of receipt postcard signed by a Huling agent, has never acknowledged Petitioner's contract cancellation and counteroffer letter.

. Apparently Huling presented the check for payment at Petitoner's bank during the 14 day verbal stop payment period. That check was stamped "stop payment" on the back by the bank. Huling failed to represent the check to

the bank as is normal good business practice.

. Huling apparently sold collection rights on Petitioner's perfectly cashable check to Telecheck/Check Services Northwest.

. In February 1992 Check Services Northwest filed an unlawful Summons and Complaint seeking court enforced payment of Petitioner's perfectly cashable check in Washington State, King County, Southwest District Court.

. Petitioner filed an Answer and Counterclaim to Check Services Northwest's Summons and Complaint in that court seeking compensation as provided by the Washington State and Federal Racketeering In Corrupt

Organizations (R.I.C.O.) Laws and demanded a jury trial because of Amendment VII of the U.S. Constitution's jury trial guarantees for the Unjust Enrichment Common Law Cause of Action that Petitioner claimed.

. Petitioner encountered Petitioner's first bruising experience with the criminality practiced by members of the Washington State Judiciary in conjunction with this case. As required by the Washington Court Rules, Petitioner submitted to the Court a specific demand for a jury trial, paid the fee for the jury trial, and was scheduled for a jury trial. At the calendar call for the jury trial Judge Utigard called Petitioner and Respondent's attorney into the Judge's chambers. During this meeting the Judge coached Respondent's attorney into

submitting a Motion for Summary Judgment. Petitioner protested that the Judge was violating Petitioner's U.S. Constitutional Rights to a jury trial. Petitioner's protests are noted in the records of that meeting which were prepared by the Court Clerk who was in attendance. Judge Utigard ignored Petitioner's protests that Petitioner's Constitutional Rights were being violated by refusing to give Petitioner access to the jury trial that Petitoner has demanded.

. The night before the day of our Court imposed Summary Judgment Hearing Judge Utigard called in Judge David Tracy to sit on our session, assumedly because of the gross conflict of interet should Judge Utigard preside at same. This Judge Tracy had no normal opportunity to review the case files in

preparation for his day in court and the conduct of our Summary Judgment Hearing. During that Summary Judgment Hearing Judge Track committed fraud by saying that he was reading the 189 (+/-) page affidavit that Petitioner had submitted to the court protesting the Summary Judgement Hearing. As timed from the Court supplied Summary Judgment Hearing audio tape, the Judge spent such a short period of time faking reading of Petitioner's affidavit that he would have had to perform at about ten times the best speed reader in the world words per minute capability to have read any significant portion of Petitoner's 189 page affidavit. Thus Judge Tracy committed fraud against Petitioner's estate. Judge Tracy refused to dismiss the case when Petitioner pointed out that the check was still cashable should Respondent take the trouble to represent

it to Petitioner's bank. Judge Tracy just steam rollered over Petitioner and granted Respondent's Unconstitutionally implemented Motion for Summary Judgment.

. Petitioner appealed that seriously flawed Summary Judgment Decision to the Washington State, King County Superior Court.

. That appeal was mishandled by the Judge in the Superior Court finding, mistakenly, that Petitoner had failed to file, an erroneously alleged as required, Appeals Bond. During that hearing the Judge did however concur that Petitioner's Answer and Counterclaims were enforceable against Check Services Northwest via this litigation as provided by the terms and conditions of 16 CFR Ch. 1 (1-1-92) PART 433 PRESERVATION OF CONSUMER'S CLAIMS AND

DEFENSES.

. Petitioner appealed that Superior Court erroneous failure to pay required Appeal Bond Decision. Petitioner's appeal was upheld in a Division I, Court of Appeals Commissioner's "Appealability" hearing which found that the King County Superior Court Judge had erred. Under Washington Court Rules no Appeal Bond was required for the type of appeal Petitioner was processing in King County Superior Court. See Appendix 1 for a copy of that Ruling.

. Check Services Northwest failed to file one scrap of paper or put in one appearance in the Division I, Court of Appeals multi-hearing proceedings. Check Services Northwest's case was kept alive by the benevolent and prejudicial activities of the

Division I, Court of Appeals Clerks/Staff Attorney, Commissioners, and Judges. This massive abandonment of Check Services Northwest's case occurred over a multimonth period of time, that is from the 2nd day of March 1993 thru the 8th day of April 1994, which was more than one entire year.

. Petitioner filed a Motion for Default Judgment against Check Services Northwest in Division I, Court of Appeals after it had become abundantly clear to all involved that Check Services Northwest had completely abandoned and was in massive default on it's case at the Appellate Court Level.

. The Division I, Court of Appeals Commissioner issued a Ruling mentioning Petitioner's Motion for Default Judgment on the 16th day of

September 1993. However, that Ruling failed to issue a decision on Petitioner's Motion for Default Judgment. Instead that Ruling ordered that the case is referred to the next available Judges' Motion calendar for accellerated disposition. See Appendix 2 for a copy of that Ruling.

. A Panel of Division I, Court of Appeals Judges issued an Order on November 15, 1994 that mentioned but failed to rule on Petitioner's Motion for Default Judgment. See Appendix 3 for a copy of that Order.

. On the 26th day of November 1993 Petitioner filed a Motion for Reconsideration of the Court of Appeal's November 15, 1993 Judges Order. Via this Motion for Reconsideration Petitioner was seeking a Decision on

Petitioner's Motion for Default Judgment. See Case File for a copy of that Motion for Reconsideration.

. On the 30th day of November 1993, after nine months of complete default on Respondent's case, Respondent's attorney filed a Notice of Intent to Withdraw. See Case File for a copy of that Notice.

. On December 7, 1993 Petitioner filed an Objection to and Motion for Rejection of Respondent's attorney's Motion of Intent to Withdraw until Respondent's attorney provide certain evidence that was vital to the processing of this case. See the Case File for a copy of that pleading.

. On the 17th day of December 1993 the Court of Appeals presiding

Judge issued an order denying Petitioner's 26th day of November 1993 filed Motion for Reconsideration with no mention of Petitioner's Motion for Default Judgment. See Appendix 4 for a copy of that Order.

. On the 12th day of January 1994 an Appeals Court Commissioner issued a ruling allowing withdrawal of Respondent's counsel based on certain cited Washington Court Rules without identification of a successor. Therefore from 12 January 1994 thru the 8th day of April 1994 Respondent's case was processed by the Appeals Court with that Court acting as Respondent's attorney since Respondent was entirely without an actively participating counsel during that time period. See Appendix 5 for a copy of that Ruling.

. On the 14th day of January

1994 Petitioner filed with the Washington State Supreme Court a Motion for Discretionary Review of the Court of Appeals aforementioned November 15, 1993 Order . See Case File for a copy of that Motion for Discretionary Review.

. The Washington State Supreme Court Deputy Clerk set Petitioner's Motion for Discretionary Review for hearing on the Court's June 8, 1994 Motions Calendar. See Appendix 6 for a copy of that Ruling.

. On June 3, 1994 Petitioner filed with the Washington State Supreme Court a Motion to submit recently discovered evidence proving the Unconstitutionality and Unlawfullness of the Washington Court Rules. See Case File for a copy of that pleading.

. Also on June 3, 1994 a Washington State Supreme Court Commissioner granted Petitioner's June 3, 1994 filed Motion to submit recently discovered evidence and scheduled same as part of the June 8, 1994 panel of Judges Review of Petitoner's Motion for Discretionary Review which was seeking a Decision on Petitioner's Motion for Default Judgment. See Appendix 7 for a copy of that Commissioner's Ruling.

. On the 9th day of June 1994 a panel of Washington State Supreme Court Judges issued an Order denying Petitioner's Motion for Discretionary Review. That Order failed to mention or issue a Decision on Petitioner's Motion for Default Judgment which was the principal issued identified in said Motion for Discretionary Review. See Appendix 8 for a copy of that Washington

State Supreme Court Order.

. That 9th day of June 1994 Washington State Supreme Court Order brought about generation, by Petitioner, of this Petition for Writ of Certiorari.

REASON FOR GRANTING THE WRIT

. Petitioner's Petition for Writ of Certiorari should be granted for two reasons: This Petition presents an issue resolved by implication by this Court but not specifically and unequivocally decided by this Court; and the Opinion below conflicts, by implication, with previous decisions of this Court.

Introduction: In this section we will be dealing with a number of Washington State Court Rules with emphasis on Rules

of Appellate Procedure subtitled Rules on Appeal (RAP) to the Washington State Court of Appeals (WSCA). The status of these Rules relative to the Revised Code of Washington (RCW) needs to be established at this point in time. This will allow us to consider the Constitutionality of the RAP and associated Rules relative to a possible contested constitutionality of Washington State Statutes.

"RAP Rule 1.1. SCOPE OF RULES
(g) Superseding Effect of Rules.
These rules supersede all statutes and rules covering procedure in the Supreme Court and the Court of Appeals, unless one of these rules specifically indicates to the contrary."

Therefore when Petitioner challenges the constitutionality of one of these

Court Rules Petitioner is challenging the constitutionality of a superior class of Washington State Laws. See Appendix 16 for a copy of this Rule.

I. First we shall consider the issue of whether the Appellate Court's were justified in denying Petitioner's Motion for Default Judgment. As related in the above facts of this case the Washington State Courts have consistently and prejudicially participated in this case versus Petitioner. For over a calendar year period of time the Washington State Appellate Courts assumed the role of Respondent's attorney to keep Respondent's case alive after Respondent had obviously completely abandoned this cause of action.

. I.1 To be fair and to prove the aforementioned allegation the Court should consider the sequence of events during the appeal of this case to Washington State Appellate Courts and Respondent's complete failure to meaningfully participate in same.

. I.1.1 On March 12, 1993 Petitioner filed a Notice of Appeal to the Court of Appeals with the Clerk of the King County Superior court as Required by Washington Court Rules. Respondent filed no objection or other papers related to this Notice of Appeal. Reference Case File for a copy of that Notice of Appeal and lack of Respondent's response to same.

. I.1.2 On March 19, 1993 Petitioner and Respondent received letters from the Clerk/Staff Attorney of

the Appeals Court notifying both parties of a April 23, 1993 Hearing to determine Petitioner's right to Appeal by Discretionary Review. Respondent filed no objection or other pleadings relative to this scheduled hearing. Reference Case File for a copy of that Hearing Notice letter.

. I.1.3 On March 26, 1993 Petitioner filed his Civil Appeal Statement as required by the Washington Court Rules. Respondent filed no objection or other pleadings relative to that Civil Appeal Statement. Reference Case File for a copy of that Civil Appeal Statement and lack of Respondent's response to same.

. I.1.4 On 22 April 1993 Petitioner filed a Hearing Brief for the 23 April 1993 scheduled

Appealability Hearing. Respondent filed no Hearing Brief of their own nor did they file any objection to Petitioner's hearing Brief or make any other pleadings relative to that Appealability Hearing. Reference Case File for a copy of Petitioner's Hearing Brief and lack of Respondent's response to same.

I.1.5 On April 23, 1993 Commissioner Verellen of the Appeals Court held the Appealability Hearing to determine the legality of Petitioner's Appeal. Petitioner prevailed and Petitioner's Appeal was allowed to go forward. Respondent and Respondent's attorney failed to attend that Appealability Hearing or make any telephonic communication or written communication to the Court to explain their absence. Reference case file to verify the absence of any affirmative

pleadings on part of Respondent.

. I.1.6 On 29 April 1993 Commissioner Verellen issued his ruling permitting Petitioner's Appeal to go forward. Reference Appendix 1 for a copy of that Ruling.

. I.1.7 On May 13, 1993 Petitioner's Designation of Clerk's Papers were filed and served on Respondent. Respondent failed to object or take any other exception to Petitioner's Designation of Clerk's Papers listing. Reference case file to verify the absence of any affirmative pleadings on part of Respondent.

. I.1.8 On July 6, 1993 Petitioner filed and Served on Respondent Petitioner's Appeal Brief and Narrative Report of Proceedings.

Respondent failed to object or take any other exception to Petitioner's Appeal Brief or the Narrative Report of Proceedings. Reference case file to verify the absence of any affirmative pleadings on part of Respondent with respect to this pair of pleadings filed by Petitioner.

. I.1.9 On 16 August 1993 the Clerk/Staff Attorney of the Appeals Court sent to Respondent and Petitioner a letter which threatened 10 September 1993 imposition of Sanctions on Respondent should Respondent fail to file a proper Appeal Brief with Division I, Court of Appeals by 26 August 1993. Reference Case File to verify existance of that letter.

. I.1.10 On 26 August 1993 Respondent failed to file

Respondent's Appeal Brief as demanded by Appeals Court's Clerk/Starr attorney in Paragraph I.1.9 above. Reference Case File to verify lack of existance of that Respondent's Appeal Brief.

. I.1.11 On 26 August 1993 Petitioner filed and served Petitioner's Motion for Default Judgement accompanied by supportive Affidavit and a Note for Motion pleading setting the above identified 10 September 1993 Sanctions Hearing for Respondent as the Hearing Date for Petitioner's Motion for Default Judgment. Reference Case File for the existance of these Pleadings and Affidavit.

. I.1.12 On 10 September 1993 an Appeals Court Commissioner held a Sanctioning Hearing to Punish

Respondent for failing to file an Appeal Brief as repeatedly directed to do by the Appeals Court. During this hearing Respondent failed to appear or file any pleadings or telephonically or in writing communicate to the court any excuse for failure to appear. During the Hearing the Commissioner refused to act on Petitioner's Motion for Default Judgment. Also the Commissioner failed to impose even a scintilla of sanctions on Respondent. The Commissioner's position being that if Respondent failed to file an Appeal Brief by 24 September 1993, a prejudiced gratuitious Court granted deadline extension, the case was to be decided without further briefing. The Commissioner thereupon referred the matter to a panel of Appeals Court Judges. See Appendix 2 for a copy of that 10 September 1993 Sanctions Hearing Commissioner's Ruling that was dated the

16th day of September 1993.

. I.1.13 On 15 November 1993 the panel of Appeals Court Judges issued a Per Curiam Decision to "reverse and remand" the case back to the King County Superior Court for rehearing and awarded Costs to Petitioner. The Panel of Judges failed to act on the issue of Sanctions for Respondent for failure to file an Appeal Brief or any other appropriate Washington Court Rules enabled pleadings and for failure to appear for any of the Appeals Court Hearings. Also the Panel of Appeals Court Judges failed to recognize and/or appropriately act on Petitioner's properly processed Motion for Default Judgement. See Appendix 3 for a copy of that Per Curiam Decision.

. I.1.14 On 20 November

1993 Respondent's attorney filed with the Court of Appeals Respondent's Attorney's Notice of Intent to Withdraw without identifying a successor council for Respondent. Reference Case file for a copy of that Withdrawal Notice.

I.1.15 On 26 November 1993 Petitioner filed a Motion for Reconsideration of the 15 November 1993 Court of Appeals Panel of Judges Per Curiam Decision. Respondent failed to file an objection or any other pleading relative to Petitioner's Motion for Reconsideration. Petitioner's Motion for Reconsideration sought an appropriate Appeals Court Decision on Petitioner's Motion for Default Judgment and correction of other errors associated with said Decision. Reference Case File for a copy of Petitioner's Motion for Reconsideration

Pleading and proof of lack of any Respondent counter pleadings.

. I.1.16 On 17 December 1993 the Appeals Court issued an Order denying Petitioner's Motion for Reconsideration that Petitioner filed on 26 November 1993. No mention of any appropriate Decision on Petitioner's Motion for Default Judgment was included in this Order. Reference Appendix 4 for a copy of that Order.

. I.1.17 On 12 January 1994 an Appeals Court Commissioner issued a Ruling allowing withdrawal of Respondent's council without a replacement being identified. Respondent was without representation by counsel and had obviously completely abandoned Respondent's case from 12 January 1994 until 8 April 1994. See

Appendix 5 for a copy of that Ruling.

. I.1.18 With utmost frustration on 14 January 1994 Petitioner filed a Motion for Washington State Supreme Court Discretionary Review contesting the Appeals Court's 17th day of December 1993 Judge's order which failed to issue a decision on Petitioner's 26 August 1993 filed Motion for Default Judgment. Reference Case File for a copy of that Pleading.

. I.1.19 On 24 February 1994 the Appeals Court Clerk/Staff Attorney wrote a letter to Respondent giving them 30 days to respond to Petitioner's 14 January 1994 filed Motion for Discretionary Review. Respondent never filed any response to said Motion for Discretionary Review of the Appeals Court's 17th day of December

1993 Judges Order which failed to issue a decision on Petitioner's 26 August 1993 filed Motion for Default Judgment. Reference Case File to verify complete lack of pleading on Respondent's part regarding this issue.

. I.1.20 On 15 March 1994 the Washington State Supreme Court issued a letter stating the Petitioner's Motion for Discretionary Review was to be decided by the Supreme Court on June 8, 1994 without oral argument. See Appendix 6 for a copy of that letter.

. I.1.21 On 8 April 1994 Quentin Steinberg file a Notice of Appearance as Respondent's counsel. From 12 January 1994, the date of Respondents original Attorney's Notice of Withdrawal, to 8 April 1994, the date of Respondent's new attorney's Notice of

Appearance, Respondent was without legal counsel. During that period of time Respondent was completely in default on this case. During that period of time Respondent manifested complete abandonment of their responsibilities and entitlement to continue to participate in this cause of action. See Case File for a copy of that Notice of Appearance.

I.1.22 On 05 June 1994 Petitioner filed a Motion with the Washington State Supreme Court for leave to submit recently discovered evidence critical to support of Petitioner's 14 January 1994 filed Motion for Discretionary Review and to make appropriate Motion for Discretionary Review Text Changes plus Motion for Continuance. This new evidence clearly and unambiguiously proved that

Washington Court Rules are Unconstitutional and therefore Unlawful via the fact that the Washington State Judicial Department's generation of the Court Rules (Laws), instead of the Legislature, violated the U.S. Constitutions requirements that the Separation of Powers be maintained at all levels of government. See the Case File for a copy of that Motion.

. I.1.23 On 03 June 1994 the Washington State Supreme Court Granted Petitioner's 03 June 1994 Motion for Leave to Submit Recently Discovered Evidence which proves that Washington Court Rules are Unconstitutional and therefore Unlawful. See Appendix 7 for a copy of that Ruling.

. I.1.24 On 09 June 1994 the Washington State Supreme Court

issued an Order denying Petitioner's Motion for Default Judgment Petition (Motion) for Discretionary Review. See Appendix 8 for a copy of that Supreme Court Order.

I.1.25 These events make it abundantly clear that Respondent completely abandoned its case at the Appeals Court level and that the Appellant Court's failure to grant Petitioner's Motion for Default Judgment constituted a gross violation of Appellant's Amendment XIV of the U.S. Constitution guaranteed Rights to Due Process and Equal Protection of the Laws. Therefore this case involves this issue of substantial public interest that should be determined by the Supreme Court. These facts constitute adequate REASON FOR GRANTING THIS WRIT.

. I.2 Next we should consider the Constitutionality of the Washington Court Rules which acted as an umbrella for the unsuccessful processing of Petitioner's Motion for Default Judgment.

. I.2.1 The Washington State Judicial Department of Government erred by failing to insure that all of Petitioner's Court Proceedings were conducted under Washington Court Rules that were synthesized, augmented, diminished, and amended in keeping with the Separation of Powers Requirements of the United States Constitution. The Separation of Powers Requirements for the United States and correspondingly for the individual states are identified in ARTICLE I Section 1; ARTICLE II Section 1; ARTICLE III Section 1; and ARTICLE VI Paragraph [2] of the United

States Constitution. See Appendices 10 thru 13 for copies of these U.S. Constitution elements.

. I.2.2 1993 WASHINGTON COURT RULES state:

"RULES OF APPELLATE PROCEDURE,
TITLE 1. SCOPE AND PURPOSE OF RULES,
RULE 1.1. SCOPE OF RULES,

. (g) Superseding Effect of Rules. These rules supersede all statutes and rules covering procedure in the Supreme Court and the Court of Appeals, unless one of these rules specifically indicates to the contrary." See Appendix 16 for a copy of this Rule.

. This Rule unconstitutionally and self servingly sets these WASHINGTON

COURT RULES above the will of the People as expressed by the Statutory Laws passed by the State Legislature. Such Rule (Law) making, which supersedes all statutes, by the Washington State Judicial Department volates the U.S. Constitutional imperative that the Separation of Powers be presesrved at all levels of government. The Washington State Judicial Department is required to refrain from impinging on the Legislature's Law making prerogative.

. I.2.3 Refer to 1993 WASHINGTON COURT RULES, PART I RULES OF GENERAL APPLICATION, Rule 9. SUPREME COURT RULEMAKING PROCEDURES.

. The following elements of Rule 9, in conjunction with Rule

1.1 SCOPE OF RULES (g) mentioned above, specifically indicate that the Washington State Supreme Court, in making Washington Court Rules, is routinely involved in making laws superior to this states statutes:

. "(g) Final Adoption, Publication, and Effective Date. After the Comment period, the Supreme Court will adopt, amend, or reject a proposed rule or take such other action as the court deems appropriate.

.....

. All adopted rules shall become effective the first day of September unless an emergency as determined by the Supreme Court Necessitates a different effective date.

. (i) Miscellaneous provisions. This rule is effective on March 19,

1982, and applies to all proposed rules changes not adopted by the Supreme Court by that date. The Supreme Court, in its discretion, may adopt, amend, or rescind a rule without following the procedures set forth in this rule."
See Appendix 23 for a copy of this Rule.

. This procedure clearly violates the Separation of Powers Requirements imposed by the United States Constitution.

. This is clearly Rule making, Law making superior to the Washington State Statutes, by the Washington State Judicial Department. Such Rule/Law making by the Washington State Supreme Court is clearly and unambiguiously unconstitutional. Such procedures by the Washington State Supreme Court, without question, usurpes the Law Making

Charter of the Washington State Legislature. In doing so the Washington State Supreme Court unequivocally violates the U.S. Constitutions requirements that Separation of Powers be maintained at all levels of government. The Judiciary are not to make Laws since this is the responsibility of the Legislative Department. See ARTICLE III Section 1 & ARTICLE IV Section 3 of the U.S. Constitution (Ref. Appendix 12 & 13).

. The Judiciary are not to perform acts which fall within the charter of the Executive Department. See ARTICLE II Section 1. [1] of the U.S. Constitution (Ref. Appendix 11). The responsibility of the Judiciary is to interpret and apply the laws. The Legislature is to make the Laws. See ARTICLE IV Section 3. [2] of the U.S.

Constitution (Ref. Appendix 13). Law enforcement is the responsibility of the Executive Department of government. The Separation of Powers Requirements embodied in the U.S. Constituion recognizes that tyranny can result when the Judicial Department assumes the role of Lawmaker as it has in Washington State in the formulation by the Judiciary of the Washington Court Rules.

I.2.4 Many other proofs are available in support of Petitioner's contention that the WASHINGTON COURT RULES are unlawful because they were synthesized, augmented, diminished, and amended in violation of the U.S. Constitution's requirements that the Separation of Powers be mainatined at all levels of government. These additional proofs are contained in Petitioner's Motion for

Leave to Submit Recently Discovered Evidence which Petitioner filed with the Clerk of the Washington State Supreme Court on June 3 1994. That additional proof revolves around the following Washington Court Rules which clearly and unambiguiously substantiate Petitioner's allegation that Washington Court Rules are Unconstitutional and therefore unlawful:

. Washington Court Rules, RAP RULE 1.1. SCOPE OF RULES is set forth in Appendix 16.

. Washington Court Rules, RAP RULE 13.5 DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION (b) Consideration Governing Acceptance of Review is set forth in Appendix 17.

. Washington Court Rules, COURTS

OF LIMITED JURISDICTION, TRAFFIC INFRACTION RULES, TITLE 1. GENERAL PROVISIONS, RULE 1.3 LOCAL COURT RULES Paragraph (a), (b), & (c) is set forth in Appendix 18.

. Washington Court Rules, RULES OF GENERAL APPLICATION, GENERAL RULES, RULE 7. LOCAL RULES-FILING AND EFFECTIVE DATE Paragraphs (a), (b), ... (d), (e)(1)(2) is set forth in Appendix 19.

. Washington Court Rules, SUPERIOR COURT MENTAL PROCEEDINGS RULES (MPR)L, INTRODUCTION is set forth in Appendix 20.

. Washington Court Rules, RULES OF APPELLATE PROCEDURE, RULES ON APPEAL, TITLE 18. SUPPLEMENTAL PROVISIONS, RULE 18.14 MOTION ON THE

MERITS (e)(1) is set forth is Appendix 21.

. Washington Court Rules, RULES OF APPELLATE PROCEDURE, RULES ON APPEAL, TITLE 9 RECORD ON REVIEW, RULES 9.5 FILING AND SERVICE OF REPORT OF PROCEEDINGS-OBJECTIONS (a)(c) is set forth in Appendix 22.

. Washington Court Rules, PART I RULES OF GENERAL APPLICATION, RULE 9. SUPREME COURT RULEMAKING PROCEDURES (g)(i) is set forth in Appendix 23.

. In addition, Petitioner's June 3, 1993 filed Motion for Leave to Submit Recenlty Discovered Evidence contained many examples of Ad Hoc Court Rule/Law making as perpetrated by Appellate Court Commissioners and Clerk/Staff Attorney.

See Case File for a copy of that pleading and the above identified Appendices for the content of the above identified Washington Court Rules.

. I.2.5 Another absolutely positive and irrefutable proof of the Unconstitutionality and therefore the Unlawfullness of the WASHINGTON COURT RULES appears in Appendix 24. This is a page by page and rule by rule tabulation of the Rule effectiveness dates listed in the 1993 WASHINGTON COURT RULES. This evidence indicates, as noted in the Court Rules, the dates these Rules were synthesized, augmented, diminished, and/or amended. The right hand column in this tablulation is a statement as to whether the Washington State Legislature was in session on the date each of these rules

were constituted or changed. YES or NO in this column indicates if the Legislature was in session and had an opportunity to approve each indicated Rule change. These "Legislature in session" dates were listed on pages 229 and 230 of the WASHINGTON STATE YEARBOOK. See Appendix E Exhibit 4 Pages 1 and 2 of Petitioner's June 3, 1994 filed Motion for Leave to Submit Recently Discovered Evidence ... in Case File for copies of these Washington State Yearbook Legislature in Session dates tabulation pages.

I.2.5.1

Included in this Tabulation are primarily the Court Rules that had a relevant bearing on Petitioner's cause of action in this case. Irrelevant section of the Washington Court Rules were excluded from this Tabulation.

I.2.5.2

There were 561 Rules listed in Appendix 24. Of these only 19 had an effective date that corresponded to a date that the Washington State Legislature was in session and hence could have had an opportunity to approve same. These were indicated by a "YES" in the right hand column of Appendix 24. Of these 19 "YES" notations two dealt with Table of Content, one with Holidays, one dealt with Audits, two dealt with Judicial Officer Examination Committee Rules, one dealt with Supreme Court Rulemaking (the effective date of which was approved by the Supreme Court and just coincidentally agreed with a date during which the Legislature was in session), one was a Rule governing Supreme Court Sessions, three dealt with Transfer of

Judges and Cases - Judges Pro Temporare, one identified a Rule that had been Unconstitutionally Rescinded by the Washington State Supreme Court in violation of the U.S. Constitution's Separation of Powers Requirements, one dealt with Deposition, one dealt with Taking of Testimony, one dealt with Court Reporters, one dealt with Venue, and the last dealt with Witnesses. None of these 19 "YES" designated Rules came into primary play during the processing of Petitioner's Motion for Default Judgment thru the Washington State Appellate Court system. These 19 "YES" indicated Court Rules constitute a set of Washington Court Rules which had the possibility of being, but were not, approved by the Legislature by virtue of the fact that the Legislature was in session at the time the Washington Court Rule action occurred.

. I.2.5.3 So since only 19 of these Rules were modified in some manner during the time the Legislature happened to be in session and could have conceivably approved same there is at most only 3.4% probability that the Washington Court Rules could be considered as being in compliance with the U.S. Constitutions Separation of Powers Requirements. Probability of Separation of Powers Compliance by Washington Court Rules = 19/561 x 100 = 3.4%.

. I.2.5.4 Major blocks of the WASHINGTON COURT RULES are clearly and unambiguiously Unconstitutional and therefore Unlawful by virtue of the fact that 100% of those Court Rules were enacted or changed during the time the Legislature was not

in session. Therefore the Legislature could not have possibly approved these Rules/Laws as required by the U.S. Constitution's Separation of Powers Requirements. Those Major Blocks of Court Rules that are 100% Unconstitutional and therefore Unlawful are:

. Supplemental Court of Appeals Administrative Rules.

. Superior Court Administrative Rules.

. Superior Court Special Proceedings Rules.

. Superior Court Mental Proceedings Rules.

. Local Rules of the Superior

Court for King County.

. I.2.5.5 As a consequence of these Unconstitutional and therefore Unlawful WASHINGTON COURT RULES the Washington State Judicial Department has been, for several decades, unlawfully deciding all civil, criminal, and mental committment cases that have come before its functioning Courts. This is true from the Washington State Supreme Court down to the lowesst level Municipal Courts and/or possibly Justice of the Peace venues.

. I.2.5.6 On Page "V" of the Federal Rules of Civil-Appellate Procedure it says:

. "AUTHORITY FOR PROMULGATION OF RULES

Paragraph 2072. Rules of Civil Procedure

(Third Paragraph)

Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported."

. The Preface (Page VII) of the 1993 California Rules of the Court states in part:

. "Federal Volume Changes

. The Federal volume contains amendments to the Federal Rules of Appellate Procedure that will be effective December 1, 1993, absent contrary Congressional Action, ..."

. Both of the aformentioned pair of Court Rule Quotes indicate that the Federal Courts Rule/Law making processes avoid violation of the Separation of Powers requirements of the U.S. Constitution by giving Congress the final Right to Approve the Federal Court Proposed Rules/Laws before they go into effect.

. Nowhere in the Washington Court Rules/Law making procedures are the Washington Judicial Department made Court Rules/Laws presented to the Washington State Legislature for review and approval before those Washington Court Rules/Laws become effective.

. This is proof that Washington Court Rules are Unconstitutional and therefore Unlawful.

I.2.5.7 In his Washington State Supreme Court's Chief Justice James A. Andersen's January 12, 1994 historic, first ever, STATE OF THE JUDICIARY address to a joint session of the Washington State Senate and House of Representatives the Chief Justice stated:

"... James Madison, a principal author of the Constitution of the United States, expressed it more eloquently when he wrote this:

""The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.""

. Part of your job and mine is to preserve open government and prevent the tyranny our forbearers sought to eliminate by recognizing, as well as biding by, the Separation of Powers and responsibilities entrusted to each of us by the people."

. Petitioner has filed with the Washington State Appellate Courts clear and unambiguious proof that the States Judicial Department has, by formulating, interpreting, and enforcing Washington Court Rules/Laws, consistently acted tyrannical by concentrating the functions and powers of the Legislative, Judicial, and Executive powers of government in the Washington State Judicial Department. This constitutes the grossest possible violation of Petitioner's and all other

Washington State civil, criminal, and mental proceedings litigant's U.S. Constitutional Rights.

So the Washington State Judicial Department is well aware that the Courts synthesis, augmentation, diminishment, and amendment of Washington Court Rules/Laws without submitting same to the Legislature for review, as the Washington State Judicial Department now functions, is in direct violation of the Separation of Powers requirements of the U.S. Constitution.

I.2.5.8

Definately the Washington State Appellate Court Rulings and Orders identified in the first eight Appendices to this Petition for Writ of Certiorari were Unconstitutional and therefore Unlawful by virtue of the fact that they

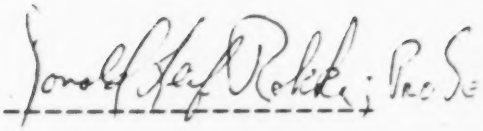
were processed and/or handed down under the umbrella of the Unconstitutional and Unlawful WASHINGTON COURT RULES OF 1993. Petitioner demands that this Petition for Writ of Certiori be granted by the U.S. Supreme Court to correct these massive miscarriages of justice.

CONCLUSION

. For the "REASONS FOR GRANTING WRIT" set forth above and because the issues addressed in this Petition involve Macro Issues of Substantial Public Interest, a Writ of Certiorari should issue to review the Rulings and Orders of Washington State Appeals Court and the Washington State Supreme Court in this matter. Please see Footnote 1. below.

Dated: 6 SEPTEMBER 1994 Respectfully

submitted,



DONALD LEIF ROKKE,

Pro Se, Attorney

for Petitioner

Footnote: 1. If this Court elects not to address the issues presented in this writ at the present time, it is requested that the writ issue and that the matter be remanded to the Washington State Supreme Court for redetermination in light of the Macro Public Interest Issues involved in this case and the arguments contained in the REASONS FOR GRANTING THE WRIT Section of this Petition.

No. _____

IN THE SUPREME

COURT OF THE UNITED STATES

JULY TERM, 1994

DONALD LEIF ROKKE - PETITIONER

VS.

CHECK SERVICES NORTHWEST - RESPONDENT

PETITION FOR WRIT OF CERTIORARI

TO THE WASHINGTON STATE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

APPENDIX

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The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

April 29, 1993

Mr. Donald L. Rokke	Mr. James M. Gallagher
Pro Se	Attorney at Law
221 S.W. 153rd Street	300 Vine Street
Suite #110	Suite #4
Seattle, WA 98166	Seattle, WA 98121

Counsel:

Re: No. 32444-6-I, Donald Leif

Rokke v. Check Services N.W.

Enclosed please find a copy of the Commissioner's Ruling entered in the above-referenced case today.

In the event counsel wishes to object, RAP 17.7 provides for review of a Commissioner's ruling. Please note that a "motion to modify the ruling must be served ... and filed in the appellate court not later than 10 days after the ruling is filed."

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

AN/mlm

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

DONALD LEIF ROKKE, Petitioner,	)	No. 32444-6-I
	)	COMMISSIONER'S
v.	)	RULING OF
	)	APPEALABILITY
CHECK SERVICES NORTHWEST, Respondent.	)	
----------	)	

Donald Leif Rokke filed a notice of appeal from the March 2, 1993, superior court order dismissing his appeal from district court with prejudice. This court set a motion to determine appealability. The motion was heard on April 23, 1993. The commissioner has revieved the materials of record and has determined that

discretionary review should be granted.

. Rokke had a dispute with Huling Brothers Buick regarding repairs to his car. A collection action was filed by Check Services Northwest in district court against Rokke based upon the $2,735.29 debt alleged to be owing. Apparently, a summary judgment was granted by the district court in favor of Check Services Northwest, and Rokke timely appealed to the superior court.

. By order dated March 2, 1993, the superior court dismissed the appeal with prejudice based upon the "finding that the appeal was not perfected due to the appeal bond not being timely filed." Rokke asserts that either his appeal was a RALJ appeal, for which no appeal bond is required and the court's departure from the accepted and usual

course of judicial proceedings warrants discretionary review, or in the alternative, if his appeal to superior court was de novo (the required appeal bond was provided) and the dismissal is a final judgment appealable as a matter of right. In either case, the decision of the trial court is appealable. Check Services Northwest has not filed a response.

. The record before the commissioner is not complete, but it appears that Rokke is correct that this was a RALJ appeal, RALJ 1.1(a), and an appeal bond required in a de novo appeal, CRLJ 73(c), is not applicable. The criteria for discretionary review has been satisfied. RAP 2.3(d)(4). A perfection schedule should be prepared by the clerk/staff attorney, and upon the filing of appellant's and respondent's

briefs this matter should be screened for possible accelerated review pursuant to RAP 18.12. Now, therefore, it is hereby

ORDERED that this matter is appealable and the clerk/staff attorney should set a perfection schedule.

Done this 29th day of April, 1993.

(Signed by Jon R. Verellen)

Court Commissioner

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

September 16, 1993

Mr. Donald L. Rokke

221 S.W. 153rd Street, Suite #110

Seattle, WA 98166

Mr. James Michael Gallagher

Attorney at Law

300 Vine Street, Suite 4

Seattle, WA 98121

Counsel:

Re: No. 32444-6-I, Rokke v. Check Servs. N.W.

Enclosed is a copy of the ruling entered in this case today. RAP 17.7 provides that any motion to modify the ruling must be served and filed "not later than 10 days after the ruling is filed."

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

bes

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

DONALD LEIF ROKKE,	)	
Appellant,	)	No. 32444-6-I
	)	
v.	)	COMMISSIONER'S
	)	RULING OF
CHECK SERSVICES NORTHWEST,	)	REFERRAL
Respondent.	)	
----------	)	

By letter from the clerk dated August 16, 1993, counsel for respondent Check Services Northwest was advised that a court's motion to impose sanctions in accordance with RAP 18.9 would be heard unless respondent's brief or a motion for an extension of time was filed by August 26, 1993. On

August 26, 1993, Appellant Donald Leif Rokke filed a "MOTION FOR DEFAULT JUDGMENT" seeking "appropriate Costs, Penalty Assessments, and Damages against Respondent." The motion was set for hearing Friday, September 12, 1993. Appellant appeared; consel for respondent neither appeared nor filed a brief.

. The commissioner has reviewed the records and files in this court, and has determined that this matter should be referred to a panel of the court for accelerated disposition, without oral argument, on the next available judges' motion calendar pursuant to RAP 18.12. If respondent fails to file a brief by September 24, 1993, the case will be decided without further briefing.

. Now, therefore, it is hereby

. ORDERED that this case is referred to the next available judges' motion calendar for accelerated disposistion pursuant to RAP 18.12. It is further

. ORDERED that respondent shall have until September 24, 1993, to file respondent's brief; and, it is further

. ORDERED that, in the event respondent's brief is not filed on or before September 24, 1993, the case will be decided without further briefing.

. Done this 16th day of September, 1993.

(Signed Julie A. Kesler)

Court Commissioner

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

November 15, 1993

Mr. Donald Rokke

221 S.W. 153rd Street

Suite #110

Seattle, WA 98166

Mr. J. Michael Gallagher

Attorney at Law

300 Vine Street

Suite 4

Seattle, WA 98121

Counsel:

Re No.: 32444-6-I, Rokke v. Check Services NW
King Conty No. 92-2-21111-4

. Enclosed is a copy of the opinion filed in the above-referenced case which states in part:

"Reversed and remanded."

. In Accordance with RAP 14.4(a), claim for costs by the prevailing party must be supported by a cost bill filed and served within ten days after the filing of this opinion, or claim for

costs will be deemed waived.

. Counsel may file a motion for reconsideration within 20 days of filing this opinion pursant to RAP 12.4(b). If counsel does not wish to file a motion for reconsideration but does wish to seek review by the Supreme Court, your attention is directed to RAP 13.4(a), which states that if no motion for reconsideration is made, a petition for review must be filed in this court withiln 30 days. A $200 filing fee is required.

. Should counsel desire this opinion to be published by the reporter of decisions, a motion to publish must be filed within 20 days of the date of this letter.

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

jvl

Enclosure

c: The Honorable Joanne Alumbaugh

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

CHECK SERVICES NORTHWEST,	)	NO. 32444-6-I
Respondent	)	DIVISION ONE
	)	
v.	)	
	)	
DONALD LEIF ROKKE,	)	
Petitioner.	)	Filed NOV 15 1993

. PER CURIAM -- Donald Leif Rokke seeks review of the Superior Court order dismissing his appel of the decision of the District Court granting summary judgment for Check Services Northwest. We accelerate review and reverse and remand.

. Rokke had a dispute with Huling Brothers Buick regarding repairs to his

car. Check Services Northwest filed a collection action in District Court against Rokke based upon an alleged debt of $2,735.29. The District CLourt granted summary judgment in favor of Check Services.

. Rokke timely appealed to the Superior Court. On March 2, 1993, the Superior Court dismissed Rokke's appeal with prejudice on the ground that the appeal was not perfected because an appeal bond was not timely filed.

. Rokke sought review in this court. A commissioner granted discretionary review. RAP 2.3(d).

. Rokke filed "Motion for Default Judgmnent" seeking "appropriate Costs, Penalty Assessments, and Damages" against Check Services. A commissioner

referred the case for accelerated disposition without oral argument pursuant to RAP 18.12. The commissioner also ruled that if Check Services did not file a brief by September 24, 1993, the case would be decided without further briefing. Check Services has not filed a respondent's brief.

DECISION

. When a respondent fails to submit a brief, generally the court's review is limited to determining if the appellant has made out a prima facie showing of error. State v. Wilburn, 51 Wn. App. 827, 828, 755 P.2d 842 (1988); Aquarian Found. v. KTVW, Inc., 11 Wn. App. 476, 478-79, 523 P.2d 969 (1974).

. CRLJ 72 provides:

An appeal from a court of limited jurisdiction is governed by the Rules of Appeal of Decisions of Courts of Limited Jurisdiction. Under RALJ 1.1, the appeal from some courts is an appeal for error on the record, and the appeal from other courts is conducted as a trial de novo. The procedures for an appeal for error on the record are definded by RALJ. The procedures for a trial de novo are defined by CRLJ 73 and 75.

. Similarly, RALJ 1.1(a) provides in part:

. These rules establish the procedure, called appeal, for review ay the superior court of a final decision of a court of limited jurisdiction, subject to the restrictions defined in this rule....

These rules do not apply to and do not supersede the procedure for seeking de novo review of other decisions of a court of limited jurisdiction.

. Rokke's appeal was to the Superior Court for review of the final decision of the District Court, not a trial de novo. Accordingly, his appeal was governed by the RALJ rules. There is no requirement in the RALJ Rules for an appeal bond. The Superior Court erred in dismissing Rokke's appeal for failure to timely file an appeal bond.

. Reversed and remanded.

Top of first page signed by Chief Judge Walter E. Webster Jr.

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

December 17, 1993

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Check Services NW

5251 Westheimer

Hoston TX 77056

Counsel:

Re No.: 32444-6-I, Rokke v. Check Services NW
King County No. 92-2-21111-4

. Enclosed please find a copy of the order entered today denying the motion for reconsideration.

. Within 30 days after the order is filed, the opinion of the Court of Appeals will become final unless, in accordance with RAP 13.4, counsel files a petition for review in this court. The content of a petiton should contain a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in [RAP 13.4](b), with arguument." RAP 13.4(c)(7).

. In the event a petition for review is filed, opposing counsel may file with the Clerk of the Supreme Court an answer to the petiton within 30 days after the petition is served.

. For counsel's information, the Supreme Court has determined that a filing fee of $200.00 will be required in that court.

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

jvl

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

CHECK SERVICES NORTHWEST, Respondent,	)	NO. 32444-6-I
	)	ORDER
	)	DENYING
v.	)	MOTION FOR
	)	RECONSIDERATION
DONALD LEIF ROKKE, Petitioner.	)	
	)	

. Petitioner Donald Leif Rokke, having filed a motion for reconsideration herein, and the court having considered the motion has determined that the motion should be denied; Now, therefore, it is hereby

. ORDERED that the motion for reconsideration is denied.

. Dated this 17th day of December 1993.

(Signed by: Forrest, J.)

Presiding Judge

The Court of Appeals

of the

State of Washington

Seattle

98101-4170

DIVISION I

One Union Square

600 University Street

(206) 464-7750

January 12, 1994

Mr. Donald L. Rokke

Pro Se

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Check Servicess NW

5241 Westheimer

Hoston TX 77056

Dear Mr. Rokke and Check Services:

. Re: No. 32444-6-I, Rokke v. Check Services N.W.

. Enclosed please find a copy of the Commissioner's ruling entered in the above-referenced case today.

. In the event counsel wishes to object, RAP 17.7 provides for review of a Commissioner's ruling. Please note that a "motion to modify the ruling must be served ... and filed in the appellate court mot later than 10 days after the ruling is filed."

Sincerly,

(Signed by Anne Noris)

Anne Noris

Clerk/Staff Attorney

AN/mlm

Enclosure

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

DONALD LEIF ROKKE,	)	No. 32444-6-I
Petitioner,	)	COMMISSIONER'S
	)	ALLOWING
v.	)	WITHDRAWAL
	)	OF COUNSEL
CHECK SERVICES NORTHWEST,	)	
Respondent.	)	
----------	)	

. By opinion dated November 15, 1993 this court reversed and remanded the superior court's order dismissing Rokke's RALJ appeal. On November 30, 1933, counsel for respondent Check Services Northwest filed a motion to withdraw listing the address for Check Services Northwest at 5251 Westheimer,

Houston, Texas 77056.

. Rokke objects to the withdrawal on the grounds that an ambiguity exists between the notice of withdrawal listing a Texas address and the recitation in the complaint that Check Services Northwest is a Washington corporation. Rokke requests numerous disclosures as a condition of withdrawal including a Washington State address for Check Services Northwest, business license information, and bonding information.

. RAP 18.3 allows an attorney to withdraw on appeal by using the procedures of CR 71. The notice given complies with CR 71. The counsel seeking to withdraw has represented as an officer of the court that the last known address of his client is the Texas address and that address allows Mr.

Rokke to give notice of further proceedings in the RALJ court on remand.

Now, therefore, it is hereby.

ORDERED the withdrawal of counsel for respondent is allowed.

Done this 12th day of January, 1994.

(Signed by Jon R. Verelle)

Court Commissioner

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

(206) 357 2077

March 15, 1994

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Check Services NW

5251 Westheimer

Houston TX 77056

Honorable Anne Noris, Clerk

Court of Apeals, Division I

One Union Sqare

600 University St

Seattle, WA 98101

Re: Supreme Court No. 61444-0 - Check Services Northwest v. Donald Leif Rokke
Court of Appeals No. 32444-6-I

Counsel & Clerk:

. On January 14, 1994, Petitioner herein; Appellant in the Court of Appeals filed a Petition for Review of the Court of Appeals opinion in the above entitled case. The petition has been assigned the above referenced Supreme Court cause number.

. A party may file an answer to a petition for review. Any answer must be filed with this Court by not later than 30 days after service of the petition on

the party. If the party wants to raise an issue which is not raised in the petition for review, the party must raise the new issue in the answer. It is noted that if a Respondent wishes to seek an award of reasonable attorney fees and expenses pursuant to the provisions of RAP 18.1(j) such a request must be contained in a timely filed answer to the petition for review, see RAP 18.1(b).

. The petition is considered served whether served by the Court of Appeals or the petitioner, whichever occurs first.

. A reply to an answer, if any, should be filed within 15 days after service on the party of the answer and may only be filed if the answer raises a new issue; see RAP 13.4(d).

. As to reproduction and service of the petition, answer or reply, the parties should refer to RAP 13.4(g).

. The petition has been set for consideration without oral argument by a Department of the Court on the Court's June 8, 1994, motion calendar. If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

Sincerly,

(Signed by undecipherable)

RONALD R. CARPENTER

Supreme Court Deputy Clerk

AJE:mja

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

June 3, 1994

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Check Services NW

5251 Westheimer

Hoston TX 77056

Re: Supreme Court No. 61444-0 - Donald Leif Rokke v. Check Services Northvest

Court of Appeals No. 32444-6-I

Counsel:

. The following notation order was entered on June 3, 1994, by the Supreme Court Commissioner in the above entitled cause:

. MOTION FOR LEAVE TO SUBMIT
. RECENTLY DISCOVERED EVIDENCE
. CRITICAL TO SUPPORT OF
. PETITONER'S JANUARY 14, 1994,
. FILED MOTION FOR DISCRETIONARY
. REVIEW AND TO MAKE APPROPRIATE
. MOTION FOR DISCRETIONARY REVIEW
. TEXT CHANGES REFERRING TO THIS
. NEW EVIDENCE PLUS MOTION FOR
. CONTINUANCE:

. "Motion granted. The
. submission will be
. considered by the
. Court as part of its

review on June 8,

1994.

/s/ Geoffrey Crooks,

Commissioner

Sincerely,

(Signature undecipherable)

RONALD R. CARPENTER

Supreme Court Deputy Clerk

GC:crf

APPENDIX 8
PAGE 1 OF 4

THE SUPREME COURT

STATE OF WASHINGTON

TEMPLE OF JUSTICE

P.O. BOX 40929

OLYMPIA, WA 98504-0929

June 9, 1994

Mr. Donald Rokke

221 SW 153rd Street

Suite #110

Seattle, WA 98166

Check Services NW

5251 Westheimer

Hoston TX 77056

Honorable Anne Noris, Clerk

Court of Appeals, Division I

One Union Sqare

600 University ST

Seattle, WA 98101

Re: Supreme Court No. 61444-0 - Check Services Northwest v. Donald Leif Rokke
Court of Appeals No. 32444-6-I

Counsel:

Enclosed is a conformed copy of the Order entered this day following hearing of the above matter on the Court's June 8, 1994, Motion Calendar.

Sincerly,

(Signed by Melanie J. Atkinson)

MELANIE J. ATKINSON
Court Clerk II

MJA:mja
Enclosure

THE SUPREME COURT OF WASHINGTON

CHECK SERVICES NORTHWEST,	)	NO. 61444-0
Respondent,	)	ORDER
	)	C/A NO.
v.	)	32444-6-I
DONALD LEIF ROKKE,	)	
Petitioner.	)	
----------	)	

. This matter came before Department II of the Court on its June 8, 1994, Motion Calendar on Petition for Review. Department II having considered the Petition and the files herein, and the five members of the Department having unanimously agreed;

. Now, therefore, it is hereby

. ORDERED:

. That the Petition for Review is

denied.

DATED at Olympia, Washington this 9th day of June 1994.

(Signature undecipherable)

CHIEF JUSTICE

Appendix 9 RESERVED

Appendix 10

ARTICLE I Section 1 of the U.S. Constitution:

"ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Appendix 11

ARTICLE II Section 1 of the U.S. Constitution

"ARTICLE II

Section 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:"

Appendix 12

ARTICLE III Section 1 of the U.S. Constitution:

"ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such interior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall at stated Times, receive for their Services a Compensation, which shall not be diminished during their CLontinuance in Office."

Appendix 13

ARTICLE VI Section 3. Paragraph [2]:

"ARTICLE IV

Section 3.

[2] The Congress Shall have Power to dispose and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

Appendix 14

Amendment VII of the U.S. Constitution:

"AMENDMENT VII [1791]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Appendix 15

Amendment XIV of the U.S. Constitution:

"AMENDMENT XIV [1868]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdicton thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Appendix 16

Washington Court Rules,

RAP RULE 1.1. SCOPE OF RULES:

"RULES OF APPELLATE PROCEDURE

TITLE 1. SCOPE AND PURPOSE OF RULES

RULE 1.1 SCOPE OF RULES

(g) Superseding Effect of Rules. These rules supersede all statutes and rules covering procedure in the Supreme Court and the Court of Appeals, unless one of these rules specifically indicates to the contrary."

Appendix 17

Washington Court Rules,

"RAP RULE 13.5 DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION

(b) Consideration Governing Acceptance of Review. Discretionary review of an interlocutory decision of the Court of Appeals will be accepted by the Supreme Court only:

(1) if the Court of Appeals has committed an obvious error which would render further proceedings useless; or

(2) if the Court of Appeals has committed probable error and the decision of the Court of Appeals substantially alters the status quo or substantially limits the freedon of a party to act; or

(3) if the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a

trial court or administrative agency, as to call for the exercise of revisory jurisdiction by the Supreme Court."

Appendix 18

Washington Court Rules,

"COURTS OF LIMITED JURISDICTION,

TRAFFIC INFRACTION RULES,

TITLE 1. GENERAL PROVISIONS,

RULE 1.3 LOCAL COURT RULES

(a) Adoption. Each court may adopt special infraction rules not inconsistent with these general rules.

(b) Format. The numbering system and format of local rules shall conform to these rules.

(c) Filing. Local rules become effective only after they are filed with the Administrator for the Courts in accordance with GR 7."

Appendix 19

Washington Court Rules,

*RULES OF GENERAL APPLICATION,

GENERAL RULES

RULE 7. LOCAL RULES-FILING AND EFFECTIVE DATE

(a) Generally. Fifty copies of rules of court authorized by law to be adopted or amended by courts other than the Supreme Court must be filed with the state Administrator for the Courts. New proposed rules and amendments must be filed on or before July 1 for comment; to be effective September 1 of the same year. Promulgation or amendment of rules that describe only the structure, internal management and organization of the court but do not affect court room procedures are not governed by the time limitation above.

(b) Form. All local rules shall be consistent with rules adopted by the

Supreme Court, and shall conform in numbering system and in format to these rules to facilitate their use. Each rule and amendment filed shall state its effective date in brackets following the rule. Prior to adopting a local rule, the court may informally submit a copy of its local rule to the Administrator for the Courts for comments as to its conformity in number and format to the Official Rules of Court, and suggestions with reference thereto.

...

(d) Availability of Local Rules; Effect Upon Existing Local Rules. The clerk of the court adopting the rules shall maintain a complete set of current local rules, which shall be available for inspection and copying. In order for local rules which are currently in effect to remain in effect they must be refiled with the Office of

the Administrator for the Courts by September 15, 1991.

(e) Emergemcy Rules.

(1) In the event a court other than the Supreme Court deems that an emergency exists which requires a change in its rules, such court shall, in addition to filing he rules or amendments as provided in section (a), distribute them to all county law libraries.

(2) A rule or amendment adopted on an emergency basis shall become effective immediately on filing with the Administrator for the Courts. The rule or amendment shall remain effective for a period of 90 days after filing, unless readopted in accordance with section (e)(1) or submitted as a permanent rule or amendment under section (a) within the 90-day period."

Appendix 20

Washington Court Rules,

"SUPERIOR COURT MENTAL PROCEEDINGS RULES (MPR)

INTRODUCTION

The following rules have been designed and promulgated to give full force and effect to Laws of 1973, 1st Ex.Sess., ch. 142. Any future amendments which may be enacted will be dealt with in rules as the need may arise.

Section 62 of the act directs the Supreme Court to adopt rules with respect to court procedures and proceedings. Adoption of these rules is not to be construed as approval of what could be a breach of the separation of powers of government. While the legislature may recommend rulemaking as

to particular matters, it may not mandate rulemaking which is an inherent power of the judicial branch.

Although the courts generally do not pass upon the wisdom or the workability of statutes, they are concerned with their constitutionality. The adoption of these rules, which are merely designed to give effect to the statute as it is written, does not in any manner indicate an opinion of the court that the statute is or is not constitutional in any respect. In promulgating them, the court does not in any manner obviate further consideration of any portion of the statute or these rules in a proper case.

Because of the complicated nature of the statute necessitating these rules and the need that they be effective

January 1, 1974, the court has promulgated them without submitting them for comment, and now invites comment from the bench and bar."

Appendix 21

Washington Court Rules,

"RULES OF APPELLATE PROCEDURE,

RULES ON APPEAL,

TITLE 18. SUPPLEMENTAL PROVISIONS,

RULE 18.14 MOTION ON THE MERITS

(e) Considerations Governing Decision on Motion.

(1) Motion to Affirm. A motion on the merits to affirm will be granted in whole or in part if the appeal or any part thereof is determined to be clearly without merit. In making these determinations, the judge or commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by settled law, (b) are factual and supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly within the discretion of the trial court."

Appendix 22

Washington Court Rules

"RULES OF APPELLATE PROCEDURE,

RULES ON APPEAL,

TITLE 9 RECORD ON REVIEW,

RULE 9.5 FILING AND SERVICE OF REPORT OF PROCEEDINGS-OBJECTIONS

(a) Generally. The Party seeking review must file the report of proceedings with the clerk of the trial court within 90 days after review is accepted by the appellate court, except that the court reporter must file a verbatim report of proceedings. The party who caused a report of proceedings to be filed should at the time of filing the report of proceedings serve one copy on an adverse party and serve and file proof of the service on all other parties.

...

any objections shall be used in

settling the report of proceedings."

Appendix 23

Washington Court Rules,

"PART I RULES OF GENERAL APPLICATION,

RULE 9. SUPREME COURT RULEMAKING PROCEDURE

(a) Statement of Purpose. In promulgating rules of court it is the purpose of the Washington State Supreme Court to ensure that:

(1) An orderly and uniform procedure is followed;

(2) All interested groups are given notice and an opportunity to express views regarding proposed rules;

(3) Adequate notice of adopted rules changes and of the effective dates is given;

(4) All proposed rules are necessary statevide;

(5) Rules changes are minimized to prevent disruption of court practice;

(6) The purpose of rules of court is to provide necessary governance of court procedures and practice; and

(7) All rules of court are clear and definite in application.

(b) Definitions. As used in this rule, the following terms have these meanings:

(1) "Suggested rule change" means a recommendation for a rule change or a new rule to the Chief Justice.

(2) "Proposed Rule" means a recommendation for a rule change made by the Washington State Bar Association to the Washington State Supreme Court.

(c) Initiation of Rules Changes. All suggestions for rules changes shall be sent to the Chief Justice who shall transmit them to the Washington State Bar Association.

Any group or association whose members are involved in the court system may

file a requests with the Chief Justice to receive copies of suggested rule changes. The request may specify that the group or association wishes to receive copies of all suggested rule changes or of only certain kinds of suggested rule changes. The request shall state the person to whom the suggested rule change should be sent. Once filed, the request shall be a continuing one until withdrawn by the group or association.

(d) Receipt of Proposed Rules by Supreme Court. Once a suggested rule has been approved by the Washington State Bar Association, it shall be transmitted as a proposed rule to the Chief Justice.

The text of all proposed rules shall be typed on 8 1/2 by 11-inch line-numbered paper with consecutive page numbering. If the proposed rule affects

an existing rule, deleted portions shall be shown and stricken through; new portions shall be underlined once.

Every proposed rule shall be accompanied by a cover sheet explaining:

(1) Background--what person or group initiated the rules change study and the reason for the request;

(2) Purpose--the purpose of and the necessity for the proposed rule including whether it creates or resolves any conflicts with statutes, case law, or other court rules;

(3) Washington State Bar Association Action--a summary of the viewpoints expressed during the development of and debate over the proposed rule;

(4) Supporting Material--a table of contents listing the material sent to the Supreme Court in support of the proposal including letters, memoranda, minutes of meetings, or research studies;

(5) Spokesperson--a designation of the person who is knowledgeable about th proposed rule and who could provide additional information to the Supreme Court;

(6) Hearing--whether a hearing is recommended.

All proposed rules must be received by the Supreme Clourt on or before October 31 to be effective for the succeeding September 1.

(e) Action by Supreme Court. If a proposed rule is amended or rejected by the Supreme Court, The Washington State Bar Association will be notified in writing. If a proposed rule is approved, the Supreme Court will order the proposed rule published for comment.

The Supreme Court may invite persons familiar with the rule to provide additional information.

(f) Publication for Comment. All

proposed rules approved by the Supreme Court for publication will be published for comment in a Washington Reports advance sheet during the month of January.

All comments shall be directed to the Chief Justice and shall be received no later than the last day of April. If a comment contains a draft of a rule, it must be in the format outlined in 9(d).

All commens received will be kept on file in the office of the court for public inspection and copying.

(g) Final Adoption, Publication, and Effective Date. After the comment period, the Supreme Court will adopt, amend, or reject a proposed rule or take such other action as the court deems appropriate.

Prior to action by the Supreme Court, the court may, in its discretion, hold a hearing on a proposed rule at a time and

in a manner defined by the court.

All adopted rules shall be published the first of July in a special edition of the Washington Reports advanced sheets.

All adopted rules shall become effective the first day of September unless an emergency as determined by the Supreme Court necessitates a different effective date.

(h) Periodic Review. The Supreme Court, in consultation with the Washington State Bar Association, will establish procedures for the periodic review of the rules of court.

(i) Miscellaneous Provisions. This rule is effective on March 19, 1982, and applies to all proposed rules changes not adopted by the Supreme Court by that date. The Supreme Court, in its discretion, may adopt, amend, or rescind a rule without following procedures set

forth in this rule."

[Adopted effective March 19, 1982;

amended effective September 1, 1984.]

WASHINGTON COURT RULES FOR 1993
CHANGES TO THOSE RULES: RULES PAGE NUMBER
- - RULE CHANGED - DATE OF CHANGE VS
AVAILABILITY OF LEGISLATURE TO LEGITIMATELY
APPROVE THESE COURT RULE (LAW) ACTIONS

PAGE NO__	RULE NO__	DATES _____	LEGISLATURE IN_SESSION?
PART I .	RULES OF GENERAL APPLICATION:		
TITLE	N/A	AUGUST 1, 1992	NO
		SEPTEMBER 1, 1992	NO
1	GR	JULY 1, 1967	NO
		AUGUST 1, 1992	NO
2	T OF C	JANUARY 1, 1974	NO
		JULY 1, 1974	NO
		JULY 1, 1976	NO
		SEPTEMBER 24, 1976	NO
	T OF C	APRIL 2, 1979	YES
		JANUARY 1, 1981	NO
		MAY 14, 1982	NO
	T OF C	JANUARY 21, 1983	YES
		SEPTEMBER 1, 1985	NO
		DECEMBER 8, 1986	NO
		SEPTEMBER 1, 1987	NO
		SEPTEMBER 1, 1989	NO
2	2	FEBRUARY 3, 1977	YES
2	5 ADTS	FEBRUARY 8, 1977	YES
2	6	JANUARY 30, 1978	NO
3	7	JANUARY 1, 1981	NO
		SEPTEMBER 1, 1991	NO
3	8	JANUARY 1, 1981	NO
3	8.3	JANUARY 1, 1981	NO
		MARCH 14, 1986	YES
4	8.3	JANUARY 1, 1981	NO
		MAY 8, 1987	YES
4	8.4	JANUARY 1, 1981	NO
4	8.5	JANUARY 1, 1981	NO
5	9	MARCH 19, 1982	YES
		SEPTEMBER 1, 1984	NO
5	10	SEPTEMBER 1, 1983	NO
		NOVEMBER 11, 1983	NO
		MAY 25, 1984	NO
5	11	JULY 17, 1987	NO
6	11.1	NOVEMBER 17, 1989	NO

APPENDIX 24
PAGE 2 OF 13

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
7	12	JULY 19, 1987	NO
7	13	SEPTEMBER 1, 1989	NO
7	14	SEPTEMBER 1, 1990	NO
9	15	SEPTEMBER 22, 1989	NO
9	16	DECEMBER 27, 1991	NO

Washington Rules of Evidence:

101	TITLE	APRIL 2, 1979	YES
		SEPTEMBER 1, 1992	NO
108	404	SEPTEMBER 1, 1992	NO
109	405	SEPTEMBER 1, 1992	NO
112	411	SEPTEMBER 1, 1992	NO
112	412	SEPTEMBER 1, 1988	NO
113	501	SEPTEMBER 1, 1988	NO
114	602 & 604	SEPTEMBER 1, 1992	NO
115	606/607/608	SEPTEMBER 1, 1992	NO
116	609	SEPTEMBER 1, 1988	NO
117	610 & 611	SEPTEMBER 1, 1992	NO
118	612 & 613	SEPTEMBER 1, 1992	NO
119	615 & 701	SEPTEMBER 1, 1992	NO
121	705 & 706	SEPTEMBER 1, 1992	NO
125	803	SEPTEMBER 1, 1992	NO
127	804	SEPTEMBER 1, 1992	NO
128	806	SEPTEMBER 1, 1988	NO
128	807	AUGUST 27, 1980	NO
132	1001	SEPTEMBER 1, 1992	NO
133	1004	JANUARY 1, 1980	NO
134	1101	AUGUST 27, 1980	NO
		SEPTEMBER 1, 1989	NO
		SEPTEMBER 1, 1992	NO

PART II. RULES FOR APPELLATE COURT ADMIN.:

Supreme Court Administrative Rules:

153		SEPTEMBER 12, 1969	NO
		AUGUST 1, 1992	NO
154	4	JANUARY 20, 1984	YES
155	12	JANUARY 30, 1978	NO
155	15	JULY 1, 1976	NO
		JANUARY 1, 1979	NO
156	17 & 18	JULY 1, 1988	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
157	19	NOVEMBER 29, 1991	NO
158	21	JANUARY 1, 1977	NO
		JULY 20, 1984	NO
158	22	MARCH 1, 1974	NO
158	23	JANUARY 1, 1981	NO

Court of Appeals Administrative Rules:

159	TITLE	SEPTEMBER 12, 1969	NO
		AUGUST 1, 1992	NO
159	4	JANUARY 30, 1978	NO
		JULY 17, 1987	NO
160	8	JANUARY 30, 1978	NO
161	16	JANUARY 30, 1978	NO
		MAY 4, 1979	YES
161	21	MARCH 1, 1976	NO
		FEBRUARY 28, 1977	YES
		MAY 4, 1979	YES
		JUNE 7, 1985	YES
		JULY 4, 1986	NO
162	23	JANUARY 30, 1978	NO
162	24	JULY 1, 1976	NO
162	25	MARCH 1, 1974	NO
163	26	JULY 4, 1986	NO

Supplemental Court of Appeals Admin. Rules:

165	TITLE	JANUARY 1, 1977	NO
		AUGUST 1, 1992	NO
166	XXX	DECEMBER 11, 1981	NO
		DECEMBER 12, 1991	NO

PART III. RULES ON APPEAL:

Rules of Appellate Procedure:

171	TITLE	JULY 1, 1976	NO
		SEPTEMBER 1, 1992	NO
177	1.1	JULY 1, 1978	NO
178	2.1	JULY 2, 1976	NO
179	2.2	JULY 1, 1978	NO
		JANUARY 1, 1981	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
		SEPTEMBER 1, 1990	NO
179	2.3	JANUARY 1, 1981	NO
		SEPTEMBER 1, 1985	NO
180	2.5	SEPTEMBER 1, 1985	NO
182	4.2 & 4.3	SEPTEMBER 1, 1990	NO
183	5.1	JULY 2, 1976	NO
183	5.2	JULY 2, 1976	NO
		SEPTEMBER 1, 1985	NO
184	5.3	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1986	NO
188	8.1	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
189	8.2	JULY 1, 1978	NO
		SEPTEMBER 1, 1990	NO
189	8.3	SEPTEMBER 1, 1990	NO
189	8.4	SEPTEMBER 1, 1990	NO
189	9.1	SEPTEMBER 1, 1985	NO
190	9.2	JULY 2, 1976	NO
		SEPTEMBER 1, 1985	NO
192	9.6	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
192	9.7	JULY 2, 1976	NO
193	9.11	SEPTEMBER 1, 1985	NO
193	9.12	SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
194	10.2	SEPTEMBER 1, 1990	NO
		SEPTEMBER 1, 1991	NO
195	10.3	SEPTEMBER 1, 1985	NO
196	10.5	JULY 1, 1976	NO
		SEPTEMBER 1, 1990	NO
196	10.7	JULY 2, 1976	NO
197	12	SEPTEMBER 1, 1985	NO
199	12.5	JUNE 7, 1979	NO
		JANUARY 1, 1981	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
200	13.1	JUNE 7, 1979	NO
200	13.2	JUNE 7, 1979	NO
		SEPTEMBER 1, 1983	NO
201	13.4	SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1990	NO
201	13.5	SEPTEMBER 1, 1990	NO
202	13.6	JUNE 7, 1979	NO
		SEPTEMBER 1, 1990	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
202	13.7	JUNE 7, 1979	NO
		SEPTEMBER 1, 1990	NO
203	14.3	JULY 1, 1976	NO
		JULY 2, 1976	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
203	14.4	JANUARY 1, 1977	NO
205	15.2	JULY 2, 1976	NO
		JULY 1, 1978	NO
		JANUARY 1, 1980	NO
206	15.4	SEPTEMBER 1, 1984	NO
		SEPTEMBER 21, 1990	NO
207	15.6	JULY 2, 1976	NO
208	16.2	SEPTEMBER 1, 1985	NO
209	16.4	JULY 2, 1976	NO
		SEPTEMBER 1, 1991	NO
210	16.10	SEPTEMBER 1, 1990	NO
211	16.11	JANUARY 1, 1977	NO
211	16.12	JANUARY 1, 1977	NO
211	16.13	JULY 2, 1976	NO
211	16.14	JANUARY 1, 1977	NO
212	16.15	JANUARY 1, 1977	NO
212	16.16	SEPTEMBER 1, 1990	NO
213	16.17	SEPTEMBER 1, 1992	NO
214	17.1	SEPTEMBER 1, 1984	NO
214	17.2	JULY 2, 1976	NO
214	17.3	SEPTEMBER 1, 1990	NO
215	17.4	JULY 2, 1976	NO
		SEPTEMBER 1, 1990	NO
216	17.7	JULY 2, 1976	NO
216	18.1	JULY 2, 1976	NO
		SEPTEMBER 1, 1990	NO
218	18.7	SEPTEMBER 1, 1990	NO
218	18.8	JULY 2, 1976	NO
219	18.9	SEPTEMBER 1, 1990	NO
219	18.11	FEBRUARY 28, 1977	YES
219	18.12	JULY 2, 1976	NO
		JULY 1, 1978	NO
219	18.13	SEPTEMBER 1, 1991	NO
220	18.14	SEPTEMBER 1, 1984	NO
		SEPTEMBER 23, 1988	NO
		SEPTEMBER 1, 1990	NO
220	18.15	JULY 1, 1984	NO
		SEPTEMBER 1, 1991	NO

PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
220	18.16	SEPTEMBER 23, 1988	NO
		SEPTEMBER 23, 1990	NO
222	18.23	SEPTEMBER 1, 1990	NO
235	SECTION 1	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO
236	SECTION 2	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO
237	SECTION 3	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO
238	SECTION 4	OCTOBER 4, 1990	NO
		JANUARY 10, 1991	NO
		JANUARY 2, 1992	NO

PART IV. RULES FOR SUPERIOR COURT:

Superior Court Administrative Rules:

255	TITLE	MARCH 1, 1974	NO
		AUGUST 1, 1992	NO
256	2	APRIL 20, 1990	NO
256	3	DECEMBER 28, 1990	NO
256	4	DECEMBER 28, 1990	NO
257	5	SEPTEMBER 1, 1991	NO

Superior Court Civil Rules:

259	TITLE	JULY 1, 1967	NO
		SEPTEMBER 1, 1992	NO
263	2A.	SEPTEMBER 1, 1989	NO
263	3	JULY 1, 1972	NO
		SEPTEMBER 1, 1978	NO
266	4	JANUARY 1, 1972	NO
		JULY 1, 1977	NO
		SEPTEMBER 1, 1978	NO
266	4	JULY 1, 1980	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
267	4.1	SEPTEMBER 1, 1978	NO
		JULY 1, 1980	NO
		SEPTEMBER 1, 1989	NO

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
268	5	JULY 1, 1972	NO
		SEPTEMBER 1, 1978	NO
		SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1988	NO
269	7	SEPTEMBER 1, 1985	NO
272	11	JANUARY 1, 1974	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1990	NO
273	12	JANUARY 1, 1972	NO
		JANUARY 1, 1980	NO
277	19	JULY 1, 1980	NO
277	20	JULY 1, 1980	NO
282	26	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
		DECEMBER 28, 1990	NO
		SEPTEMBER 1, 1992	NO
284	28	SEPTEMBER 1, 1985	NO
284	29	JULY 1, 1972	NO
287	30	JULY 1, 1972	NO
	DEPOSITIONS	APRIL 2, 1979	YES
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1988	NO
		SEPTEMBER 1, 1989	NO
287	31	JULY 1, 1972	NO
		SEPTEMBER 1, 1988	NO
288	32	JULY 1, 1972	NO
		SEPTEMBER 1, 1983	NO
289	33	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
290	34	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
290	35	JULY 1, 1972	NO
291	36	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1989	NO
292	37	JULY 1, 1972	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1992	NO
293	38	JANUARY 1, 1972	NO
		JULY 20, 1973	NO
		AUGUST 7, 1981	NO

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PAGE NO	RULE NO	DATES	LEGISLATURE IN SESSION?
296	43	JANUARY 1, 1977	NO
		APRIL 2, 1979	YES
296	43	SEPTEMBER 1, 1988	NO
297	44	SEPTEMBER 1, 1985	NO
297	44.1	JULY 1, 1977	NO
		SEPTEMBER 1, 1983	NO
298	45	JULY 1, 1972	NO
		SEPTEMBER 1, 1983	NO
300	47	JULY 1, 1974	NO
		SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1989	NO
		APRIL 20, 1990	NO
301	50	JANUARY 1, 1977	NO
		JULY 1, 1980	NO
		SEPTEMBER 1, 1984	NO
302	51	NOVEMBER 3, 1967	NO
		MARCH 29, 1968	NO
		JANUARY 1, 1977	NO
302	52	SEPTEMBER 1, 1985	NO
		JANUARY 1, 1988	NO
305	55	JULY 1, 1977	NO
		SEPTEMBER 1, 1978	NO
		JANUARY 1, 1981	NO
306	56	SEPTEMBER 1, 1978	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1988	NO
		SEPTEMBER 1, 1990	NO
307	59	JULY 1, 1980	NO
		SEPTEMBER 1, 1984	NO
		SEPTEMBER 1, 1989	NO
308	60	SEPTEMBER 26, 1972	NO
		JANUARY 1, 1977	NO
310	65	JULY 1, 1974	NO
		JANUARY 1, 1981	NO
		SEPTEMBER 1, 1989	NO
311	67	SEPTEMBER 1, 1985	NO
312	71	JULY 1, 1976	NO
		OCTOBER 11, 1985	NO
		SEPTEMBER 1, 1990	NO
313	77	MAY 24, 1978	NO
		SEPTEMBER 1, 1992	NO
314	79	NOVEMBER 25, 1968	NO
		NOVEMBER 17, 1989	NO
314	80	SEPTEMBER 1, 1984	NO

PAGE NO__	RULE NO__	DATES _____	LEGISLATURE IN SESSION?
		MAY 8, 1987	YES
314	82	JULY 1, 1975	NO
		SEPTEMBER 1, 1978	NO
		JANUARY 30, 1981	YES
315	83	JANUARY 1, 1976	NO
		JANUARY 1, 1981	NO

Superior Court Mandatory Arbitration Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Superior Court Special Proceedings Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Superior Court Criminal Rules:

327	TITLE	JULY 1, 1973	NO
		AUGUST 1, 1992	NO
329	1.5	SEPTEMBER 1, 1990	NO
330	2.1	JULY 1, 1984	NO
332	3.1	SEPTEMBER 1, 1986	NO
335	3.2	JULY 1, 1976	NO
		SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO
335	3.2A	JULY 1, 1992	NO
335	3.2B	AUGUST 1, 1980	NO
		JULY 1, 1992	NO
338	3.3	MAY 21, 1976	NO
		NOVEMBER 17, 1978	NO
		AUGUST 1, 1980	NO
		SEPTEMBER 1, 1986	NO
		NOVEMBER 29, 1991	NO
339	3.6	MAY 15, 1978	NO
342	4.2	SEPTEMBER 1, 1983	NO
		JULY 1, 1984	NO
		SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO
343	4.3	SEPTEMBER 1, 1986	NO
343	4.4	DECEMBER 28, 1990	NO
346	4.6	SEPTEMBER 1, 1983	NO
348	4.7	SEPTEMBER 1, 1986	NO
348	4.9	SEPTEMBER 1, 1983	NO
350	6.2	JULY 1, 1974	NO

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PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
		SEPTEMBER 1, 1984	NO
		SEPTEMBER 1, 1989	NO
351	6.5	APRIL 20, 1990	NO
		SEPTEMBER 20, 1976	NO
351	6.6	SEPTEMBER 1, 1983	NO
		JANUARY 1, 1975	NO
352	6.12	APRIL 2, 1979	YES
		SEPTEMBER 1, 1991	NO
		JANUARY 1, 1975	NO
352	6.13	JANUARY 1, 1976	NO
		JULY 1, 1984	NO
354	7.1	SEPTEMBER 1, 1986	NO
		JULY 1, 1984	NO
355	7.2	SEPTEMBER 1, 1986	NO
		SEPTEMBER 1, 1991	NO
		JULY 1, 1984	NO
355	7.3	JULY 1, 1976	NO
355	7.4	SEPTEMBER 1, 1984	NO
		SEPTEMBER 1, 1991	NO
355	7.4	SEPTEMBER 1, 1984	NO
356	7.6	JULY 1, 1976	NO
356	7.7	SEPTEMBER 1, 1986	NO
357	7.8	SEPTEMBER 1, 1991	NO

Superior Court Mental Proceedings Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Juvenile Court Rules:
(OMITTED - IRRELEVANT TO THIS CASE)

Rules for Courts of Limited Jurisdiction:
(OMITTED - IRRELEVANT TO THIS CASE)

Local Rules of the Superior Court for King County:

541	TITLE	SEPTEMBER 1, 1974	NO
		SEPTEMBER 1, 1992	NO
545	FWD	SEPTEMBER 1, 1986	NO
545	0.1	SEPTEMBER 1, 1986	NO
546	0.2	SEPTEMBER 1, 1986	NO
546	0.3	SEPTEMBER 1, 1986	NO
547	0.4	SEPTEMBER 1, 1986	NO
547	0.5		

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
548	0.6	SEPTEMBER 1, 1986	NO
548	0.6	JULY 20, 1990	NO
548	0.7	SEPTEMBER 1, 1986	NO
549	0.8	SEPTEMBER 1, 1986	NO
549	0.8	SEPTEMBER 3, 1990	NO
549	0.9	SEPTEMBER 1, 1986	NO
549	0.10	SEPTEMBER 1, 1986	NO
549	0.11	SEPTEMBER 1, 1986	NO
549	0.12	SEPTEMBER 1, 1986	NO
549	0.13	SEPTEMBER 1, 1986	NO
549	0.14	SEPTEMBER 1, 1986	NO
549	0.15	SEPTEMBER 1, 1986	NO
552	4	JANUARY 1, 1990	NO
552	4	SEPTEMBER 1, 1992	NO
556	6	SEPTEMBER 1, 1992	NO
558	9	SEPTEMBER 1, 1984	NO
		MAY 1, 1988	NO
		SEPTEMBER 1, 1992	NO
559	12	JANUARY 1, 1990	NO
		SEPTEMBER 1, 1992	NO
561	16	SEPTEMBER 1, 1977	NO
		SEPTEMBER 1, 1981	NO
		JANUARY 1, 1990	NO
		SEPTEMBER 1, 1992	NO
561	16.1	JANUARY 1, 1990	NO
561	16.1	SEPTEMBER 1, 1992	NO
564	26	JANUARY 1, 1990	NO
564	26	SEPTEMBER 1, 1992	NO
564	33	SEPTEMBER 1, 1984	NO
564	33	SEPTEMBER 1, 1992	NO
565	34	SEPTEMBER 1, 1977	NO
565	34	SEPTEMBER 1, 1984	NO
565	34	SEPTEMBER 1, 1992	NO
565	36	SEPTEMBER 1, 1984	NO
565	36	SEPTEMBER 1, 1992	NO
565	37	JANUARY 1, 1983	NO
565	37	SEPTEMBER 1, 1986	NO
565	37	JANUARY 1, 1990	NO
565	37	SEPTEMBER 1, 1992	NO
566	38	JANUARY 1, 1990	NO
566	38	SEPTEMBER 1, 1992	NO
569	42	SEPTEMBER 1, 1977	NO
569	42	SEPTEMBER 1, 1978	NO
569	42	SEPTEMBER 1, 1980	NO

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PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
569	42	JANUARY 1, 1983	NO
569	42	SEPTEMBER 1, 1984	NO
569	42	DECEMBER 1, 1988	NO
569	42	JANUARY 1, 1990	NO
569	42	SEPTEMBER 1, 1992	NO
569	43	SEPTEMBER 1, 1984	NO
570	47	MARCH 1, 1989	NO
571	54	SEPTEMBER 1, 1984	NO
573	57	SEPTEMBER 1, 1983	NO
		SEPTEMBER 1, 1984	NO
		MAY 1, 1988	NO
573	57	JANUARY 1, 1990	NO
573	57	SEPTEMBER 1, 1992	NO
574	69	SEPTEMBER 1, 1984	NO
575	77	SEPTEMBER 1, 1986	NO
577	80	SEPTEMBER 1, 1989	NO
578	86	SEPTEMBER 1, 1976	NO
578	86	AUGUST 2, 1976	NO
579	93.04	SEPTEMBER 20, 1990	NO
582	94.04	SEPTEMBER 1, 1978	NO
		SEPTEMBER 1, 1981	NO
		JULY 17, 1985	NO
		SEPTEMBER 1, 1985	NO
		SEPTEMBER 1, 1986	NO
		MAY 1, 1988	NO
		DECEMBER 1, 1988	NO
		JANUARY 1, 1990	NO
		SEPTEMBER 1, 1990	NO
		SEPTEMBER 1, 1992	NO
582	94.04	SEPTEMBER 1, 1984	NO
583	98.04	SEPTEMBER 1, 1984	NO
583	98.16	SEPTEMBER 20, 1990	NO
583	98.20	SEPTEMBER 1, 1992	NO
584	3.2	SEPTEMBER 1, 1983	NO
585	2.4	SEPTEMBER 1, 1983	NO
585	3.7	SEPTEMBER 1, 1983	NO
585	3.8	SEPTEMBER 1, 1983	NO
586	3.10	SEPTEMBER 1, 1983	NO
586	3.11	SEPTEMBER 1, 1983	NO
586	3.12	SEPTEMBER 1, 1983	NO
586	6.6	SEPTEMBER 1, 1983	NO
587	7.3	SEPTEMBER 1, 1983	NO
587	7.4	SEPTEMBER 1, 1981	NO
587	7.6	SEPTEMBER 1, 1983	NO
587	7.6		

PAGE NO.	RULE NO.	DATES	LEGISLATURE IN SESSION?
587	7.8	SEPTEMBER 1, 1983	NO
587	7.11	SEPTEMBER 1, 1983	NO
588	7.12	SEPTEMBER 1, 1981	NO
588	7.12	SEPTEMBER 1, 1983	NO
588	7.14	SEPTEMBER 1, 1983	NO
588	1.1	JUNE 10, 1982	NO
589	2.1	SEPTEMBER 1, 1981	NO
589	2.1	JUNE 10, 1982	NO
589	2.1	JANUARY 1, 1990	NO
589	2.1	SEPTEMBER 1, 1992	NO
589	2.2	SEPTEMBER 1, 1981	NO
590	3.2	JANUARY 1, 1990	NO
590	3.2	SEPTEMBER 1, 1992	NO
590	4.2	SEPTEMBER 1, 1981	NO
590	4.3	JANUARY 1, 1990	NO
590	4.3	SEPTEMBER 1, 1992	NO
593	7.3	SEPTEMBER 1, 1981	NO
594	1.1	SEPTEMBER 1, 1987	NO
594	1.2	SEPTEMBER 1, 1987	NO
595	2.2	SEPTEMBER 1, 1987	NO
595	2.4	SEPTEMBER 1, 1987	NO
595	2.6	SEPTEMBER 1, 1987	NO
596	3.1	SEPTEMBER 1, 1989	NO
596	3.2	SEPTEMBER 1, 1987	NO
596	6.5	SEPTEMBER 1, 1987	NO
596	8.2	SEPTEMBER 1, 1987	NO
596	8.3	SEPTEMBER 1, 1987	NO
596	9.1	SEPTEMBER 1, 1987	NO
597	9.2	SEPTEMBER 1, 1987	NO
597	10.1	SEPTEMBER 1, 1987	NO
597	10.2	SEPTEMBER 1, 1987	NO
597	10.2	SEPTEMBER 1, 1989	NO
597	11.5	SEPTEMBER 1, 1987	NO
597	12.1	SEPTEMBER 1, 1987	NO